

Meeting Date: 01/27/09

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6A

Santa Clara



DATE: January 16, 2009

TO: City Manager for Council Action

FROM: Fire Chief

SUBJECT: Public Hearing for 2008-2009 Weed Abatement Program

EXECUTIVE SUMMARY:

January 27, 2009 was previously scheduled for the Public Hearing for citizens to bring forward their concerns or objections to the County Weed Abatement Program. A copy of the 2008-2009 Weed Abatement Program Commencement Report has been placed in the Council Offices for review and a copy of the Notice of Hearing is on file in the City Clerk's Office. Attached is a copy of the resolution ordering the abatement of weeds growing in the City.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Weeds will be removed from properties thus reducing the fire danger in the City. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

The County manages and abates weeds through a yearly program. There is no cost to the City, Agency or Authority other than administrative staff time and expense.

RECOMMENDATIONS:

In connection with the Weed Abatement Program, the following action is recommended:

That the Council:

- Adopt a Resolution ordering the abatement of a nuisance consisting of growing weeds in the City of Santa Clara.

Handwritten signature of Phil Kleinheinz.

Phil Kleinheinz
Fire Chief

PK:el

APPROVED BY:

Handwritten signature of Jennifer Sparacino.

Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) Resolution ordering the abatement of a nuisance consisting of growing weeds in the City of Santa Clara.
- 2) 2009 Weed Abatement Program Commencement Report – Placed in Council Offices.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA CLARA, CALIFORNIA, ORDERING THE
ABATEMENT OF A NUISANCE CONSISTING OF
GROWING WEEDS IN THE CITY OF SANTA CLARA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, on December 9, 2008, the City Council of the City of Santa Clara held that weeds growing in the City of Santa Clara constitute a public nuisance and ordered the abatement of this nuisance in the manner provided in Chapter 8.15 of the Santa Clara City Code; and,

WHEREAS, the City has entered into an agreement with the County of Santa Clara entitled, "Agreement for Abatement of Weeds by County of Santa Clara for City of Santa Clara," most recently amended on January 12, 2001, a copy of which is on file in the Office of the City Clerk; and,

WHEREAS, in accordance with Chapter 8.15 of the Santa Clara City Code and Resolution No. 7286 of the City of Santa Clara, the Agricultural Commissioner of the County of Santa Clara ("County Agricultural Commissioner") has given notices prior to the abatement of the nuisance by City; and,

WHEREAS, no protests have been received by the City Council protesting the abatement of the nuisance, so the County Agricultural Commissioner should abate the nuisance of weeds growing in the City of Santa Clara.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

1. That the County Agricultural Commissioner abate the nuisance in the manner provided by the ordinances, rules and regulations of the City. The County Agricultural Commissioner is hereby directed to give notice by mail to the owner or owners of each individual parcel of land

upon which weeds will be abated by the City at least ten (10) days before abatement. The notice shall be given by mail, addressed to the owner at their last known address, as shown on the last County equalized assessment roll. If the address of the owner is unknown, then the notice shall be given by mail to the owner by mailing it to the owner at Santa Clara, California. Meanwhile, and before the expiration of the ten-day period, any owner may voluntarily abate the nuisance.

2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more sections(s), subsections(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27th DAY OF JANUARY, 2009, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

H:\Resolutions\Weeds 2 Abate Nuisance Resolution 2008-2009.doc

**2009 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF SANTA CLARA**

Situs	APN		CITY/STATE		
2200	CALLE DE	097-05-058	ESPINOZA ROBERT P AND	1571 N RIPON RD	RIPON CA 95366-9376
4879	FAIRWAY	DR 097-16-041	WILSON BRIAN AND KATHY ET AL	1460 MONROE ST	SANTA CLARA CA 95050-4224
	AVENIDA DE	097-41-037	LIND THOMAS P	4879 AVENIDA DE LOS	SANTA CLARA CA 95054-1424
	DE LA CRUZ	BL 101-11-047	NUTTO ROBERT H TRUSTEE & ET AL	14538 YALE CT	LOS ALTOS CA 94022-1815
	FILLMORE	ST 104-10-077	SITLANI KAMAL N AND SHIELA K	636 HAMILTON AV	MILPITAS CA 95035-3512
	CHEENEY	ST 104-12-025	NUNES ROSE Z TRUSTEE	2096 AGNEW RD	SANTA CLARA CA 95054-2507
2151	CHEENEY	ST 104-12-026	NUNES ROSE Z TRUSTEE	2096 AGNEW RD	SANTA CLARA CA 95054-2507
	BASSETT	ST 104-12-162	UNION PACIFIC CORP	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	LAURELWOOD RD	104-14-089	KANG FAMILY PARTNERS LP	2151 LAURELWOOD RD	SANTA CLARA CA 95054-2754
	LAURELWOOD RD	104-14-153	SPI 2121 LAURELWOOD LP	650 CALIFORNIA ST STE 1288	SAN FRANCISCO CA 94108
	THOMAS	RD 104-14-171	MARCHESE MARY TRUSTEE & ET AL	PO BOX 3148	SARATOGA CA 95070
2091	BOWERS	AV 216-07-056	SALINAS JOSE A	2091 BOWERS AV	SANTA CLARA CA 95051-1827
2512	PAINTED	DR 216-19-039	BARNARD LEE	2512 PAINTED ROCK DR	SANTA CLARA CA 95051-1124
2568	MORaine	DR 216-19-088	LOPEZ ERNESTO AND CARMEN ET	2568 MORaine DR	SANTA CLARA CA 95051-1118
3195	MONROE	ST 216-21-076	LOMELI SAMUEL	3195 MONROE ST	SANTA CLARA CA 95051-1157
3009	AGATE	DR 216-23-023	NORMOYLE-NOLAN MARY W	846 RUBIS DR	SUNNYVALE CA 94087-1853
810		216-28-097	SPTC ESMT EDELMAN BERT S		SANTA CLARA CA 95051-0000
		216-28-100	SPTC ESMT KAN-MAC L P		SANTA CLARA CA 95051-0000
		216-28-125	UNION PACIFIC CORP	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	WALSH	AV 224-04-006	MENACHO ANN J TRUSTEE & ET AL	810 WALSH AV	SANTA CLARA CA 95050-2622
	LAFAYETTE	ST 224-04-062	WITKIN GERALDYNE G TRUSTEE &	188 TWIN OAKS DR	LOS GATOS CA 95032-5649
651	MARTIN	AV 224-04-071	GAHRAHMAT FAM LP II LP	3476 EDWARD AV	SANTA CLARA CA 95054-2130
750	WALSH	AV 224-04-076	HAVLIN SYLVIA TRUSTEE & ET AL	188 TWIN OAKS DR	LOS GATOS CA 95032

**2009 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF SANTA CLARA**

<u>Situs</u>	<u>APN</u>	<u>CITY/STATE</u>
150	WALSH AV 224-04-077	POLJO W LESLIE TRUSTEE 14573 BIG BASIN WY SARATOGA CA 95070
700	CENTRAL EX 224-04-085	BEHRINGER HARVARD SANTA PO BOX 190700 SAN FRANCISCO CA 94119
627	RICHARD AV 224-06-175	GREEN VALLEY CORPORATION ET 2066 MARTIN ST SANTA CLARA CA 95050
330	MONROE ST 224-26-062	SOUSA FMYL TR 8/1/95 1254 MARKET ST SANTA CLARA CA 95050-5442
365	MARTIN AV 224-35-014	CHUN PHILIP WONIL ET AL 12752 RODONI CT SARATOGA CA 95070-4017
150	LAFAYETTE ST 224-40-010	GANGI CORPORATION 333 W EL CAMINO REAL STE SUNNYVALE CA 94087-1969
300	WALSH AV 224-58-003	CURRIE MANUFACTURING CO PO BOX 192 SANTA CLARA CA 95052-0192
290	MATHEW ST 230-03-075	XERES VENTURES LLC 1212 NEW YORK AV STE 900 WASHINGTON DC 20005
	DE LA CRUZ BL 230-03-092	VICTOR LEASING CO P.O. BOX 2474 BAKERSFIELD CA 93303
575	EL CAMINO 290-02-087	PACIFIC BELL EL CAMINO REAL SANTA CLARA CA 95051-0000
290	POMEROY AV 290-03-089	ERN SPENO LLC 1142 S WINCHESTER BL SAN JOSE CA 95128
591	BLACKFIELD DR 290-07-054	HAMILTON MARCIA V 1290 BLACKFIELD DR SANTA CLARA CA 95051-3909
232	HOMESTEAD RD 290-23-053	SBH HOMESTEAD PROPS LLC 1010 EL CAMINO REAL STE. MENLO PARK CA 94025
930	EL CAMINO 290-63-008	LIN TSUNG-YEN AND KIM F 1243 NIGHTINGALE CT LOS ALTOS CA 94024-6838
325	HOMESTEAD RD 293-17-084	WOODHAM PROPERTY PO BOX 2041 LOS GATOS CA 95031-2041
	FORBES AV 294-09-020	STAINIER FRANZ A AND PHILOMENE 2325 FORBES AV SANTA CLARA CA 95050-5154
	CECIL AV 303-18-012	SORICH WARREN ET AL 133 HAROLD AV SAN JOSE CA 95117
	CECIL AV 303-18-013	SORICH WARREN ET AL 133 HAROLD AV SAN JOSE CA 95117
300	HOMESTEAD RD 316-09-044	KAISER FOUNDATION HOSPITALS 1 KAISER PLAZA 15TH FL OAKLAND CA 94612
300	HOMESTEAD RD 316-09-045	KAISER FOUNDATION HOSPITALS 1 KAISER PLAZA 15TH FL OAKLAND CA 94612
06	GIANNINI DR 316-11-016	WANG YUCHUN AND YANG 606 GIANNINI DR SANTA CLARA CA 95051-5830
47	HUBBARD AV 316-12-065	STRONG RONALD AND MARY L 2864 RUSTIC DR SAN JOSE CA 95124-1661
105	STEVENS BL 316-19-031	PEERY RICHARD T TRUSTEE & ET AL 2560 MISSION COLLEGE BL SANTA CLARA CA 95054

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA

NOTICE TO DESTROY WEEDS

State of California, }
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expressing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 1/7, 1/14/2009

Dated at Santa Clara, California

This 15TH day of JANUARY, 2009

I declared under penalty of perjury that the foregoing is true and correct.

Signed: 
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 9, 2008, pursuant to Section 8.15 et seq. of the Code of the City of Santa Clara, the City Council of the City of Santa Clara, California passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in 8.15.010 of the Code of the City of Santa Clara constitute a public nuisance; this nuisance must be abated by the removal of weeds. NOTICE IS FURTHER GIVEN that property owners shall, without delay, remove all weeds from their property and the abutting half of the street in front and alleys, if any, behind such property and between the lot lines thereof as extended, or the weeds will be destroyed or removed and such nuisance abated by the County authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Council of said City to be held in the Council Chambers of the City Hall, 1500 Warburton Ave., Santa Clara, California, on January 27, 2009, at 7:00 p.m., or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration.

Rod Diridon, Jr.
City Clerk
City of Santa Clara
Pub: 1/7, 1/14/2009

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: January 27, 2009

SUBJECT: 2008-2009 Weed Abatement Program

CERTIFICATION

The proposed resolution regarding ordering the abatement of a nuisance consisting of growing weeds in the City of Santa Clara has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/**Resolution**/Ordinance is to be published N/A time(s) at least N/A days before the scheduled meeting/**public hearing**/bid opening/etc., which is scheduled for January 27, 2009.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

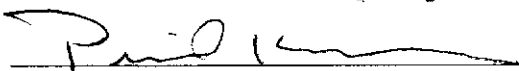
Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

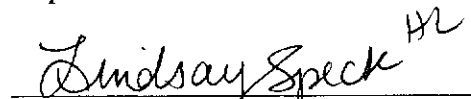
Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City
City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)
City Code § _____

1. As to City Functions, by
2. As to Legality, by
3. As to Environmental
Impact Requirements, by
4. As to Substance, by



Department Head



City Attorney's Office / CAO Assignment No 08.1751

Director of Planning and Inspection



City Manager

Revision Date June 7, 2005